UNITED STATES PATENT AND TRADEMARK OFFICE

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EXAMINER
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ART UNIT	PAPER NUMBER
2178	

DATE MAILED: 09/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>08 August 2006</u>.

2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) <u>1,2,4-8,10,11,13,14,16 and 17</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) <u>1-2, 4-8, 10-11, 13-14, and 16-17</u> is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

1.   This office action is in response to the request for continued examination filed 8

August 2006.

This office action is made non-Final.

2.   Claims 1, 7, and 13 have been amended.

3.   The rejection of Claims 1-2, 4-8, 10-11, 13-14, 16-17 under 35 U.S.C. 103(a) as

being unpatentable over King et al (US Patent 5600775; 2/4/1997) in further view of

Wallace et al (USPGPub 2002/0208112; filed 2/2/2001) in further view of Iganami (US

Patent #6,556,626, patented 4/29/2003) has been withdrawn necessitated by the

amendment.

4.   Claims 1-2, 4-8, 10-11, 13-14, and 16-17 are pending. Claims 1, 7, and 13 are

independent claims.

Claim Rejections - 35 USC § 112

5.   The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of
> making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the
> art to which it pertains, or with which it is most nearly connected, to make and use the same and shall
> set forth the best mode contemplated by the inventor of carrying out his invention.

6.   Claims 1-2, 4-8, 10-11, 13-14, and 16-17 are rejected under 35 U.S.C. 112, first

paragraph, as failing to comply with the written description requirement. The claim(s)

contains subject matter which was not described in the specification in such a way as to

reasonably convey to one skilled in the relevant art that the inventor(s), at the time the

application was filed, had possession of the claimed invention.

Claims 1, 7, and 13 have been amended to include the limitation "*such that the graphic abuts and does not overlay the first frame*" when annotating the graphic and the first frame. Examiner is unable to find support for this new limitation within the claims. Within the specification, the Examiner is able to find that when a second frame is created that "the graphic is annotated to the frame, thereby forming another frame" and is repeated with similar wording in Paragraphs 0022, 0024, 0026, 0029, 0033, and 0037. Neither of the paragraphs in the specification states, mentions, nor suggests that the graphic abuts or does not overlay the first frame. In addition, it does not say how or when the graphic is annotated to the first frame, which results in a second frame.

Claim Rejections - 35 USC § 103

7.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

8   Claims 1-2, 4-8, 10-11, 13-14, and 16-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over King et al (US Patent 5,600,775; 2/4/1997) in further view of Wallace et al (USPGPub 2002/0208112; filed 2/2/2001) in further view of Fitzpatrick et al (US Patent #5,319,382)

As per independent Claim 1, King et al substantially discloses a method for annotating a frame said method comprising:

- receiving a data structure comprising representation of a first frame (Column 2, lines 35-37);

- processing a representation of the first frame (Column 2, lines 35-37);

- creating a graphic (Column 2, lines 49-51),

- annotating the graphic and the first frame, thereby resulting in a second frame (Column 2, lines 31-34)

King et al discloses created annotations that include free-hand bitmap drawings (graphics). In addition, Applicant discloses the graphic displays at least one parameter. In the specification, Applicant disclose a parameter that consists of decode time or presentation time. Thus, the graphic displays time information. King et al discloses that such video frames are indexed by frame number and uses the example, QuickTime, having its index as a video time parameter.

King et al states "digital frames ...are annotated with text, graphics, and digital audio without modifications to the original video information." King et al's disclosure is equivalent which a second frame is created with the annotation since the original video information (frame) is unaltered.

King et al fails to specifically disclose compressing and decompressing data frames. However, King et al mentions in, e.g. Column 1, lines 35 & 64, that data files are huge and required some form of data reduction for efficient data processing. Accordingly, Wallace et al discloses a process of generating annotations wherein data frames are compressed to be subsequently decompressed based on MPEG standard in paragraph 0026, line 3.

It would have been obvious to one of the ordinary skill in the art at the time of the

Applicant's invention to modify King et al's annotation method by including therein data

compression and decompression means with full motion digital video frames. One of

the ordinary skill in the art at the time of the Applicant's invention would have known that

full motion digital video frames can be compressed for optimizing cost and use of less

hardware; therefore, would have used Wallace et al's process prior to using King et al's

annotation method.

King et al and Wallace et al further fail to specifically disclose that a

representation of a frame includes at least one parameter wherein the parameter

comprises a decoding time information and a presentation time information, and

wherein the decoding time information and the presentation time information are

different. However, Applicant discloses within the specification on the well known

MPEG standard specifying that it includes decode time stamp and presentation time

stamp parameters and discloses the decoding time information and the presentation

time information are different by stating that the parameter indicating the decode time is

known as the decoding time stamp (DTS) while the indicating the presentation time is

known as the presentation time stamp (PTS). (Paragraph 0005)

It would have been obvious to one of the ordinary skill in the art at the time of the

Applicant's invention to know using King et al's annotation method with full motion

digital video frames and other index structures to include the MPEG video format based

on its standards, since Applicant's disclosure that the time information parameters are a

MPEG standard. One of the ordinary skill in the art at the time of the Applicant's

invention of annotating video would have used the MPEG format for its video and time

attributes.

Furthermore, King et al and Wallace et al fail to specifically disclose resulting in a

second frame such that the graphic abuts and does not overlay the first frame when

annotating the graphic and the first frame. However, Fitzpatrick et al discloses of a full

motion video presentation (which includes a plurality of frames) that been annotated

with a graphic footer, e.g. stock ticker, that is abut to the full motion video presentation

and presented as a single frame. (FIG 3; Column 4, lines 16-26)

It would have been obvious to one of ordinary skill in the art at the time of

Applicant's invention to have modified King et al, Wallace et al, and the well known

MPEG standards, with Fitzpatrick et al's invention involves a graphic footer annotated to

a full motion video presentation since it provided the benefit of manipulating a video

image in a data processing system.

As per dependent Claim 2, King et al discloses that it is inherent that a simple

scaling is done at a 1:1 ratio to the size of the original frame when the second frame is

created by annotation.

As per dependent Claim 4, King et al fails to disclose that the graphic is selected

from a group consisting of a header, a footer, and a margin. However, Wallace et al

discloses, e.g. Figure 3 and 4 and paragraph 0037, that the frame includes a header,

and a footer.

It would have been obvious to one of the ordinary skill in the art at the time of the

Applicant's invention to use King et al's annotation method of with Wallace et al's

sample frame, within a data structure, that includes a header, which uniquely identifies the frame (paragraph 0037) since it would have allowed a user to identify the position of a header and its purpose for annotating display time or text without stealing focus of the main intention of the frame.

As per dependent Claim 5, King et al further discloses "an annotation manager includes resources to select in response to user input an indexed data structure to be annotated and resources to create, in response to user input, an annotation data structure." (Column 2, lines 64-67) King et al's statement is equivalent that a number of parameters are present and receives an indication to user input or selecting a parameter.

As per dependent Claim 6, King et al further discloses that "a graphical user interface is provided having a window for displaying the indexed data structures" and an annotation control window that includes graphical user elements providing access to tools for providing user input, frame selection for annotation, and annotation creation. (Column 2, paragraph 3) In addition, Column 2, line 64 – Column 3, line 1, disclose an indication when the user inputs data.

As per independent Claim 7, Claim 7 recites similar limitations as in Claim 1 and is rejected under rationale. Furthermore, King et al discloses a decoder for annotating a frame, said decoder comprising:

- memory for storing a data structure, the data structure comprising a compressed representation of a first frame and at least one parameter; (FIG 1, block 14)

- frame buffer for storing a second frame, the second frame comprising the first

frame and the graphic. (Column 6, lines 51- Column 7, line 11; FIG 1, block 12).

King et al fails to specifically to disclose a decompression engine. However,
referring to the rejection of Claim 1 and the rationale incorporated herein, wherein King
et al and Wallace et al discloses an annotation method wherein data frames are
compressed to be subsequently decompressed. Furthermore, a decompression engine
is inherently present to perform the functionality of Wallace et al's disclosure since
Wallace et al teaches the functionality of a decompression scheme of MPEG-2.

As per dependent claim 8, King et al further discloses a display controller (FIG 1,
block 12) that "drives a monitor displaying a graphic user interface" (Column 4, lines 5-
9) which inherently contains the scaling capability of a frame based on the rejection of
claim 2.

As per dependent claim 10, Claim 10 recites similar limitations as in Claim 4 and
is rejected under rationale.

As per dependent claim 11, King et al further discloses a processor is included in
Figure 1, block 10, which performs the indication previously rejected in Claim 5.

As per independent claim 13, Claim 13 recites similar limitations as in Claims 1
and 7 combined and is rejected under rationale. Furthermore King et al discloses a
decoder for annotating a frame, said decoder comprising:

- memory storing a data structure, the data structure comprising a compressed
  representation of a first frame and at least one parameter; (FIG 1)

- a decompression engine connected to the memory; and

Based on the rejection of the decompression engine in claim 7 and the rationale

incorporated within, the decompression engine is inherently connected to the memory

since data is transported throughout by computer signals based on system in King et al

(FIG 1) in order perform the decompression functionality.

- a frame buffer connected to the decompression engine, wherein

the frame buffer stores a second frame, the second frame comprising the first

frame and a graphic created by the decompression engine, said graphic

displaying the at least one parameter, wherein the parameter comprises a decoding

time information and a presentation time information, and wherein the decoding time

information and the presentation time information are different.

Based on the rejection of the decompression engine in claim 7 and the rationale

incorporated within, the decompression engine is inherently connected to the frame

buffer since data is transported throughout by computer signals based on system in

King et al (FIG 1) in order perform the decompression functionality.

As per dependent claim 14, King et al further discloses in FIG 1, block 12, that

the display engine, rejected base on King et al's display controller, is connected to the

frame buffer.

As per dependent claim 16, Claim 16 recites similar limitations as in Claim 4 and

is rejected under rationale.

As per dependent claim 17, a processor is inherently connected to all computers

components and engines of a system based on King et al's Figure 1 since data is

transported back and forth throughout by computer signals.

Response to Arguments

9.   Applicant's arguments with respect to claims 1, 7, and 13, have been considered but are moot in view of the new ground(s) of rejection.

As detailed above, the Fitzpatrick et al reference has been added to address the amended limitation. Applicant amended the independent claims to change the scope of the limitations by having the graphic abuts and does not overlay the first frame when annotating the graphic and the first frame, thus the Fitzpatrick et al reference was added to necessitate the new grounds.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David Faber whose telephone number is 571-272-2751. The examiner can normally be reached on M-F from 8am to 430pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Hong, can be reached on 571-272-4124. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

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